

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450, on

6-22-04

TOWNSEND and TOWNSEND and CREW LLP

By

Linda Shaffer

PATENT

Attorney Docket No. 018781-004910

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bei Shan *et al.*

Application No.: 09/848,990

Filed: May 3, 2001

For: TREATMENT OF
HYPERTRIGLYCERIDEMIA AND
OTHER CONDITIONS USING LXR
MODULATORS

Customer No.: 20350

Confirmation No. 8750

Examiner: Shaojia A. Jiang

Art Unit: 1617

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

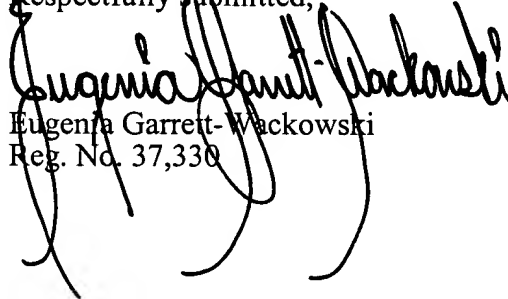
In response to the Restriction Requirement mailed January 22, 2004, Applicants elect, with traverse, to prosecute the subject matter of Group I, claims 1-13 and 34-41, drawn to methods for modulating expression of a mammalian SREBP-1 gene in a cell and for ameliorating a condition associated with abnormal SREBP-1 expression in a mammal. Applicants' election is made with traverse as examination of the subject matter recited in the claims of Groups I and II would not place a substantially greater burden on the Examiner.

Further, in response to the Species Election, Applicants elect the following species for purposes of examination: T090137 as an exemplar LXR α agonist and hypertriglyceridemia as an exemplar disease or condition to be treated. As stated in MPEP § 809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141."

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Eugenia Garrett-Wackowski
Reg. No. 37,330

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: (415) 576-0300
EGW:lls